

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF JACOB
VAKNIN IN THE AMOUNT OF \$6,630.61
AGAINST THE CITY OF ATLANTA
ARISING FROM A SEWER BACK UP.**

02-R-1527

WHEREAS, JACOB VAKNIN has filed a claim against the City of Atlanta seeking damages arising out of several sanitary sewer back ups to his property located at 3372 Rockhaven Circle, Atlanta, Georgia; and

WHEREAS, property owned by JACOB VAKNIN has been damaged due to sewer back ups and sewer overflows resulting from blockages in the mainline. These blockages are due to an accumulation of grease, sludge and roots which the City had knowledge of prior to the back ups which occurred on January 12, January 24, and March 2, 2002, specifically; and

WHEREAS, the City of Atlanta was on notice of said nuisance and made an attempt, however unsuccessful, to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$6,630.61 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of JACOB VAKNIN, be settled for the sum of \$6,630.61.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$6,630.61 be paid by the City of Atlanta to JACOB VAKNIN, in satisfaction of any and all claims he may have stemming from damages sustained to his property on or about January 12, January 24, and March 2, 2002, at 3372 Rockhaven Circle, and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.